
**ANNUAL REPORT
1990-91**

**Law Reform
Commission of
Saskatchewan**

The Law Reform Commission of Saskatchewan was established by An Act to Establish a Law Reform Commission, proclaimed in November, 1973, and began functioning in February of 1974.

The Commissioners are:

Mr. Dale G. Linn, Q.C., Chairman
Madam Justice Marjorie A. Gerwing
Mr. Gordon J. Kuski, Q.C.

Mr. Kenneth P.R. Hodges, B.A., LL.B. is Director of Research.

Mr. Michael J.W. Finley, B.A., LL.B. is Legal Research Officer. The secretary is Mrs. Kate A. Rozdilsky. The summer students were Ms. Lesley Cooney-Burk and Ms. Connie den Hollander.

The Commission offices are located at the Sturdy-Stone Centre, 122 Third Avenue North, Saskatoon, Saskatchewan, S7K 2H6.

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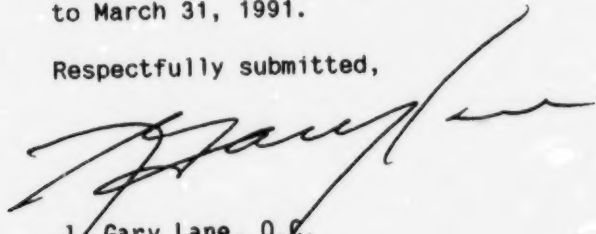
LETTERS OF TRANSMITTAL

The Honourable Sylvia Fedoruk
Lieutenant Governor
Province of Saskatchewan

Madam:

I have the honour of submitting the Annual
Report of the Law Reform Commission of
Saskatchewan for the period April 1, 1990
to March 31, 1991.

Respectfully submitted,



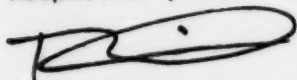
J. Gary Lane, Q.C.
Minister of Justice
and Attorney General

The Honourable Gary Lane, Q.C.
Minister of Justice
Regina, Saskatchewan

Sir:

I have the honour of submitting the Annual
Report of the Law Reform Commission of
Saskatchewan for the period April 1, 1990
to March 31, 1991.

Respectfully submitted,



Dale G. Linn, Q.C.
Chairman

OBJECTIVES OF THE COMMISSION

The Law Reform Commission Act provides that:

"The Commission shall take and keep under review all the law of the province, including statute law, common law and judicial decisions, with a view to its systematic development and reform, including the codification, elimination of anomalies, repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law, and for that purpose shall:

- (a) receive and consider any proposals for the reform of the law that may be made to it by the Minister of Justice;
- (b) prepare and submit to the Minister of Justice from time to time programs for the examination of different branches of the law with a view to their reform and shall recommend that an agency, whether the commission or a committee thereof or other body, carry out the examination;
- (c) undertake, at the request of the Minister of Justice or pursuant to recommendations of the commission approved by the Minister of Justice, the examination of particular branches of the law and the formulation, by means of draft bills or otherwise, of proposals for reform therein;
- (d) enter into agreements, with the approval of the Minister of Justice, with other organizations for law reform for the purposes of attaining the aims of the Commission". R.S.S. 1978, c. L-8, s. 6 as amended.

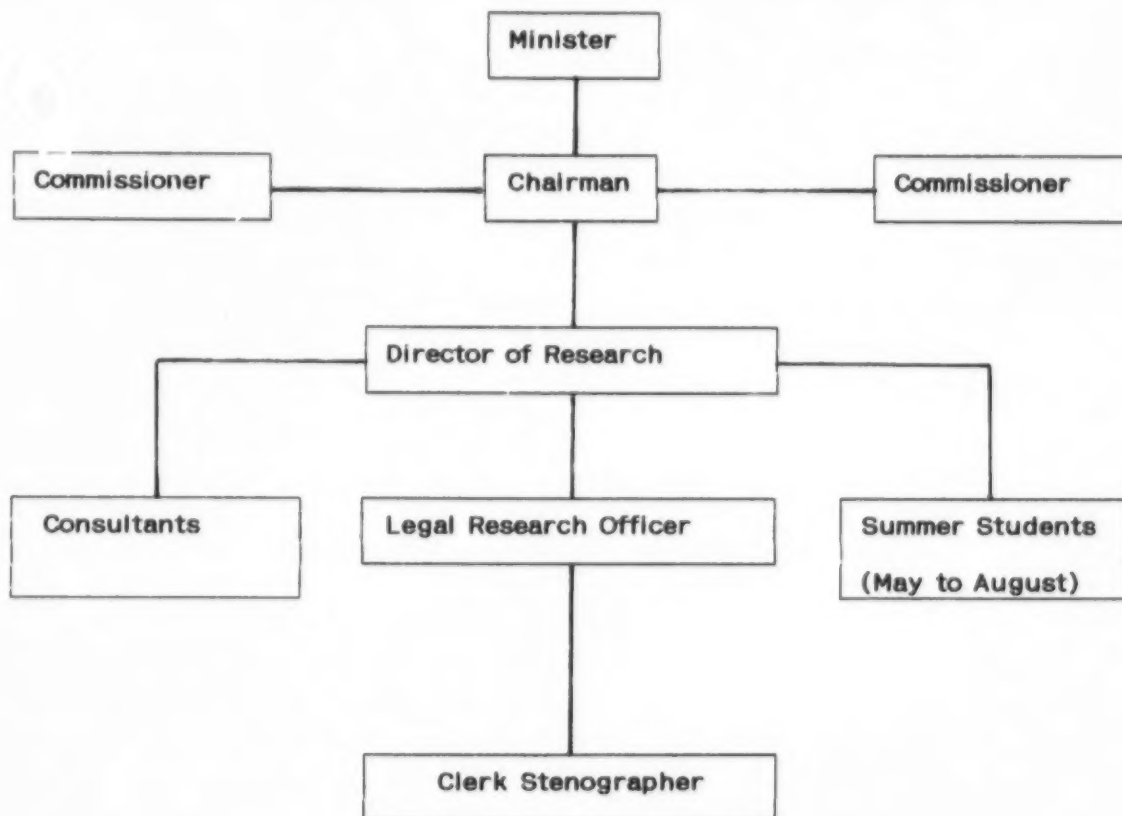
The Commission's role is to review provincial law and to assess criticisms of a significant nature from the general public concerning legislation and rules of the common law.

Topics for the Commission's research program are brought before meetings of the Commission for consideration. These topics may originate from a recommendation of the Minister of Justice, from the Commission and its staff, from the judiciary, from the legal profession, from other professional organizations, or from the public generally.

All research undertaken is supervised by the Chairman and Director of Research. Much of the research is done by the Commission's full-time staff. Many projects, however, require substantial outside consultation and expertise. Consequently, the Commission relies on the academic staff of the College of Law of the University of Saskatchewan and elsewhere for research personnel. Legal practitioners also act as consultants from time to time and give to the Commission a practical assessment of possible recommendations for legislative and procedural change.

Once the research study in a particular project is completed, the matter is placed before the Commission for discussion and consideration. The Commission may decide to issue background papers or tentative proposals for circulation to the public in order to obtain criticism and comment prior to the preparation of a final report. This may entail public meetings, hearings and workshops. The Commission's recommendations are embodied in a final report to the Minister of Justice. This report may contain general recommendations, specific legislation or drafting instructions suggesting the form of legislation which will best implement the recommendations of the final report.

ORGANIZATION CHART



DESCRIPTION OF THE PROGRAMS AND ACTIVITIES CARRIED OUT DURING 1990-91

The programs and activities carried out during 1990-91 to a large extent are a continuation of projects commenced earlier. Some of the projects are extensive in scope and involve research in a number of areas of law.

1. Family Law

New legislation, The Children's Law Act and The Family Maintenance Act embody much of the substance of Commission Background Reports and Tentative Proposals referred to in previous Annual Reports. No final reports in this area are now contemplated.

2. Personal Property Security Law

The study of consumer credit law and proposals for its reform are a part of the overall study of personal property security law in Saskatchewan. The Commission decided that proposals for the reform of basic chattel security law should be developed first, since the structure and terminology of a totally reformed personal property security law system would necessarily be part of the reform of consumer credit law.

Pursuant to this approach a final report entitled "Proposals for a Saskatchewan Personal Property Security Act" was issued in July, 1977. The Personal Property Security Act which stemmed from the proposals was enacted in 1980 and came into force on May 1, 1981.

The Commission published "A Handbook on the Saskatchewan Personal Property Security Act" in August, 1987. The Handbook includes a commentary on personal property security legislation and a review of Saskatchewan cases interpreting and applying it up to the middle of 1987.

In December, 1990, the Commission released a report entitled "Tentative Proposals for a New Personal Property Security Act". The new Act would bring Saskatchewan law more in line with the recently enacted Personal Property Security Acts of Alberta and British Columbia.

3. Consumer Credit Law

Several years ago, the Commission undertook an extensive study of the law affecting consumer credit transactions in Saskatchewan. As part of this project, the following papers were prepared and released: "Tentative Proposals for a Consumer Credit Act, Part I: Background and Underlying Considerations, Part II: Statistics. A second paper entitled "Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations" was issued in May, 1981.

A report entitled "Proposals for a Consumer Credit Act" was presented to the Minister of Justice in February 1989. This report recommended a Consumer Credit Act that addresses a wide range of consumer protection matters and that has been designed to complement The Personal Property Security Act.

While the original project design included an examination of farm credit and guarantees, the Commission decided that these are matters that should be separately addressed at a later time. It is not expected that study papers on these subjects will be produced in the current year.

4. Debtor-Creditor Law and Enforcement of Money Judgments

In 1988, the Commission decided to undertake a study of the law relating to debtor and creditor relations, with particular emphasis on money judgment enforcement. This is a very extensive project that will take several years to complete. It was decided that the first step would be the preparation of a "handbook" on existing law in this area. This would be followed by a series of studies and proposals dealing with specific aspects of judgment enforcement system. To date, some background material has been collected for the handbook. However, it is not expected that this stage of the project will be completed until 1992.

Professor Ronald C.C. Cuming of the College of Law, University of Saskatchewan is the principal consultant on this project.

5. Medical-Legal

"Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan" was released early in 1984. These proposals were based on a report by Professor Peter MacKinnon, College of Law, University of Saskatchewan. A final report was to have been issued in 1986. However, changes to the Criminal Code are under consideration by the federal authorities, and should these be enacted, the basis of the Lieutenant Governor's Review Board will have changed and the report will be reconsidered.

6. Administrative Law

The project is now in abeyance. For details of work to date, see previous Annual Reports.

7. English Statutes

In February, 1990, a report entitled "The Status of English Statute Law in Saskatchewan" was released. In an Appendix to the report, there were proposals for disposing of English Statute Law. Further work will be required in relation to the proposals.

8. The Sale of Goods Act

Saskatchewan's sale of goods law, like that of all the other common law provinces in Canada, is based almost entirely on the English Sale of Goods Act of 1893. While some areas of sales law have been subject to special legislative measures, the general law of sales has never been revised in Saskatchewan. Veneration of nineteenth century English sales law by Canadians has not been shared by the English. Their statute has been amended four times. It would be inaccurate to conclude that existing sales law is totally out of touch with the realities of modern commercial activity. The basic concepts of the 1893 Act remain relevant. Judicial development of sales law has been substantial over the years and generally has taken account of fundamental changes in sales practices. However, a strong case can be made for recodification and modernization of Canadian sales law.

In 1979, the Ontario Law Reform Commission released an extensive report on sale of goods law containing recommendations for extensive revision of the Ontario Sale of Goods Act. At the August meeting of the Uniform Law Conference held at Saskatoon, Saskatchewan, a motion was passed providing for the convening of a committee to examine the Ontario report and general sales law with a view to developing a Uniform Sale of Goods Act for all provinces in Canada.

In view of the fact that work in the area was to be carried out on a national level with the opportunity for co-operation among law reform agencies, the Commission decided that it should participate in the joint project under the auspices of the Uniform Law Conference.

The Uniform Law Conference Committee met regularly throughout 1980 and 1981. Professor Cuming, then Chairman of the Commission, represented the Commission at these meetings and proposed substantial amendments to the Ontario Law Reform Commission Draft Act. The Committee reported to the Uniform Law Conference in August of 1981 and its report was accepted.

While it is the intention of the Commission ultimately to recommend to the Minister of Justice that the Uniform Sale of Goods Act with appropriate modifications to reflect Saskatchewan conditions be enacted by the Saskatchewan Legislature, the Commission has decided to give a low priority to this project for the time being. The reason for this is the conclusion of Professor Ronald C.C. Cuming of the College of Law, University of Saskatchewan, the principal consultant on this project, that it would not be in the best interests of the province to enact a new Sale of Goods Act without some assurance that the other common law jurisdictions in Canada would do the same. While the existing law is inadequate in some respects, it is substantially uniform throughout these jurisdictions. This uniformity is very important because of the growing incidence of interprovincial sales transactions.

Although two other law reform agencies in Canada have recommended that the Uniform Act be adopted in their jurisdictions, there is currently little general interest among Canadian provincial legislators in proceeding at this time.

9. Products Liability

The project referred to in the 1988-89 Annual Report is now in abeyance.

10. Real Property Law

The research relating to mortgages and other security interests in real property, referred to in the 1988-89 Annual Report, is continuing.

11. The Land Titles Act

Representatives from Alberta, British Columbia, Manitoba, the Council of Maritime Premiers, the Northwest Territories, Ontario, Saskatchewan and the Yukon formed a Joint Land Titles Committee and undertook a fundamental review of The Land Titles Act. The project has been under the direction of Mr. W.H. Hurlburt, Q.C., of the Alberta Law Reform Institute with Professor Thomas W. Mapp as the consultant. In July, 1990, the Committee issued a report entitled "Renovating the Foundation: Proposals for a Model Land Recording and Registration Act for the Provinces and Territories of Canada". It is expected that various meetings of interested parties will be conducted by representatives from the Commission, the Department of Justice, as well as the Master of Titles to consider the proposals.

12. New Home Warranties

Many Saskatchewan residents buy newly constructed houses for use as family residences. However, the sale of houses by model and the growing specialization in components such as air conditioning and heating systems have made it much more difficult for consumers to ensure that they are obtaining a building which meets certain basic standards of durability and safety. Unlike the purchaser of consumer goods, the purchaser of a new home in Saskatchewan is forced to rely substantially on common law. It is somewhat anomalous that the purchaser of a small appliance such as a toaster obtains the full protection afforded by the warranty provisions of The Consumer Products Warranties Act, whereas the purchaser of a house which has a much greater value receives no similar statutory protection and very little protection under the common law. At common law, in the absence of an express statement by the builder, implied warranties as to fitness of habitation or quality of workmanship and materials only apply if the house is not yet completed. If it is completed, the doctrine of caveat emptor, long since abolished in the area of sale of goods, still applies.

The deficiencies in the common law were recognized in Ontario, and a New Home Warranties Act was passed in 1967. The Commission has been exploring the feasibility of a study which would lead to recommendations for legislation providing

purchasers of new homes in Saskatchewan with an adequate measure of legal protection against construction and material deficiencies and which would bring the law applicable to the sale and purchase of new homes more in line with that applicable to the sale and purchase of consumer goods. Although work has not begun because of a shortage of funds, the Commission has been seeking the services of a consultant for whom it may be possible to obtain a special grant.

13. Property Guardianship

The Dependent Adults Act was enacted in 1990, providing for personal guardianship and property guardianship. Representatives of the Commission attended a number of meetings outlining and explaining the provisions of the new Act. The property provisions replace those heretofore found in The Mentally Disordered Persons Act. Work is proceeding in-house, however, on one other aspect of the project, namely Certificates of Incompetence.

14. Costs of Accused on Acquittal

A draft report was prepared by Professor Peter MacKinnon, College of Law, University of Saskatchewan, for the Law Reform Commission of Canada and the Law Reform Commission of Saskatchewan. It was ultimately decided that each Commission would issue separate reports. Further work was done by Mrs. Vera-Marie Wolfe for the Saskatchewan Commission and in July, 1987 a report entitled "Tentative Proposals for Compensation of Accused on Acquittal" was issued.

15. The Marriage Act

Professor Ronald Fritz, College of Law, University of Saskatchewan, has prepared a report reviewing The Marriage Act. The report will be considered by the Commission in due course.

16. Living Wills

In response to a request from a member of the general public, the Commission has decided to investigate the possibility of adoption of living wills legislation. There is a concern by many people, particularly the elderly, that when they become incapacitated by disease or illness or when death is the inevitable outcome of an illness, they will be kept alive by life-sustaining procedures. The problem arises where the patient, by reason of a mental or physical disability brought on by the illness, is unable to consent to the procedures to be undertaken or to withhold such consent. The proposed solution is the legal recognition of wills that direct physicians to withhold or withdraw medical procedures.

Since the Commission began studying the matter of living wills it has become apparent that there are other avenues to be explored such as the enduring power of attorney or the Californian concept of the durable power of attorney.

Preliminary work is being done in-house. A paper entitled "Advance Directives" was prepared for discussion purposes at the mid-winter meeting of the Canadian Bar Association, Saskatchewan Branch, which took place in February, 1991.

17. The Bulk Sales Act

The Commission released a final report on The Bulk Sales Act in June, 1990, recommending repeal of the Act.

18. Structured Judgments

The Commission undertook a study of the law relating to structured settlements and a draft report entitled "Structured Judgments" is being considered by the Commission.

19. The Trustee Act

The Commission has undertaken a review of The Trustee Act and a considerable amount of work has been done in-house. It is expected that a report will be issued in 1991 or early 1992.

20. Other Activities

On occasion, representatives of the Commission have met with or made presentations to public organizations, service groups and others, and have explained the role of law reform to students. When reports are released by way of tentative proposals, press releases are issued, press conferences held and appearances made on radio and television. While law reform often is a highly technical matter, law does not operate in a vacuum and every effort is made to keep the general public fully informed of the Commission's activities. The Commission and its staff are always receptive to comments from organizations and the public at large.

Members of the Bar have been invited to suggest areas in need of reform, and have brought to the attention of the Commission many difficulties encountered in everyday practice.

The Commission intends to undertake a study of the law relating to The Fatal Accidents Act and The Garage Keepers Act. The Commission decided to discontinue its review of The Arbitration Act in view of the fact that a Uniform Act has been drafted by the Uniform Law Conference of Canada.

The Bulk Sales Act

The report recommends repeal of The Bulk Sales Act.

The Act regulates the sale of retail businesses as going concerns. First adopted in 1911, and not substantially amended since that time, the Commission has concluded that "the entire Act is out of step with contemporary business realities."

The Act, which is similar to legislation in other Canadian provinces and the United States, was enacted at a time when the financing of retail operations was quite different than today. In 1911, few retailers obtained commercial credit from banks and credit unions. Credit was usually advanced by wholesalers, who expected to be paid out of proceeds from the sale of the goods they supplied. If a retailer sold his business without paying his debts, creditors were often left in the lurch before adoption of The Bulk Sales Act.

The Bulk Sales Act requires that all creditors of the vendor of a retail business be notified of an impending sale. The sale may then be turned over to a trust company to ensure that creditors are paid out of proceeds of the sale. If the Act is not complied with, the purchaser of the business may be responsible for his predecessor's debts.

Suppliers who advance credit now usually expect to take a security interest in the goods supplied. More often, the credit required for the business will be advanced by a bank which takes a security interest not only in the stock-in-trade, but in business fixtures and other assets as well. Secured creditors have a claim on the debtor's property even if it is sold.

Even with The Bulk Sales Act available, unsecured creditors cannot expect to receive much from the sale of a business in financial difficulty. As the report notes, "having received notice of the impending sale under The Bulk Sales Act, it may be cold comfort, if, in the final analysis, the secured creditors have scooped all the money as a result of their priority status under The Personal Property Security Act."

Far from being a protection for creditors, The Bulk Sales Act has become an impediment to good business practice. Compliance with the Act is time consuming and expensive. The delay which can occur while creditors are being notified may even jeopardize a sale in some cases. The Commission concludes that "the statute so hampers the prospect of purchasing a business that vendors and purchasers often seek ways to avoid it, or ignore it all together, preferring to risk the harsh penalties for non-compliance."

In 1983, British Columbia repealed its bulk sales legislation. The Commission found that "the repeal was welcomed by the legal and commercial communities in British Columbia, and has created no unexpected difficulties".

The mandate of the Law Reform Commission is to "keep under review all the law of the province" and to make recommendations for "repeal of obsolete and unnecessary enactments, reduction in the number of separate enactments and generally the simplification and modernization of the law". In the Commission's view, there can be little doubt that The Bulk Sales Act is an example of the kind of obsolete law that should be removed from the statute books.

PLANS FOR 1991-92

1. Personal Property Security Law

The Commission expects to issue a final report in 1991 or early 1992 embodying proposals for a new Personal Property Security Act.

2. Consumer Credit

Work will continue on this project, particularly in the areas of farm credit and guarantees.

3. Debtor-Creditor Law and Enforcement of Money Judgments

Work will continue on the preparation of a "handbook" on current debtor-creditor law in Saskatchewan.

4. Medical-Legal

This project continues to be monitored.

5. Administrative Law

This project is in abeyance at the present time.

6. English Statutes

Response to the proposals in the appendix to the report will be monitored.

7. The Sale of Goods Act

This project continues to be monitored by the consultant.

8. Products Liability

This project is in abeyance at the present time.

9. Real Property Law

A paper on security interests in land may be available in the near future.

10. The Land Titles Act

Some further work will be undertaken in 1991 by way of meetings with interested parties to consider proposals contained in the report of the Joint Land Titles Committee.

11. New Home Warranties

This project is in abeyance at the present time.

12. Property Guardianship

It is expected that a report will be available relating to Certificates of Incompetence in 1991.

13. Costs of Accused on Acquittal

Responses to the Commission's paper entitled "Tentative Proposals for Compensation of Accused on Acquittal" will continue to be assessed.

14. The Marriage Act

This project is in abeyance at the present time.

15. Living Wills

A preliminary report on the law governing living wills may be prepared and released in 1991.

16. Structured Judgments

It is expected a report will be issued in 1991.

17. The Trustee Act

It is expected a report will be drafted in 1991.

18. Other Activities

It is expected that reports will be drafted in 1991 relating to The Fatal Accidents Act and The Garage Keepers Act.

The Commission also undertakes a number of smaller practice-oriented projects from time to time and recommendations are made to the Minister of Justice concerning these.

FINANCIAL INFORMATION

Until March 31, 1988 the Law Reform Commission was financed by the Province of Saskatchewan through the Department of Justice with additional "block funding" from the Law Foundation of Saskatchewan. In November 1987 the Commission became a body corporate and its financing arrangements were changed commencing on April 1, 1988. For the fiscal year April 1, 1988 to March 31, 1989 the Commission received a grant of \$90,000 from the Province through the Department of Justice. The Department also provided the Commission with offices, furnishings and postal facilities. The Law Foundation provided a similar grant of \$90,000. In addition, the Commission received a special grant from the Law Foundation in the amount of \$20,000 to cover the costs of printing reports on frustrated contracts, limitation of actions and English statutes.

For the fiscal year April 1, 1990 to March 31, 1991, the Commission received a grant of \$110,000 from the Province through the Department of Justice. The increase in the grant by \$20,000 provided funding for rental of offices by the Commission from Saskatchewan Property Management Corporation which rental now became the responsibility of the Commission. Grants received by the Commission from the Law Foundation during the said fiscal year amounted to about \$116,240.00.

The Commission is most grateful for the support provided by the Province and the Law Foundation of Saskatchewan. In addition, the Commission wishes to acknowledge its indebtedness to the Provincial Auditor for auditing the books of the Commission and providing the Annual Financial Statement which follows.

THE LAW REFORM COMMISSION OF SASKATCHEWAN

FINANCIAL STATEMENTS

Year Ended March 31, 1990

OFFICE OF THE PROVINCIAL AUDITOR

REGINA, SASKATCHEWAN

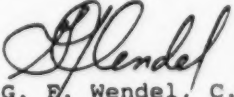
AUDITOR'S REPORT

To the Members of the Legislative Assembly of
Saskatchewan

I have examined the balance sheet of The Law Reform Commission of Saskatchewan as at March 31, 1990 and the statement of revenue, expenditure, and operating surplus for the year then ended. My examination was made in accordance with generally accepted auditing standards, and accordingly included such tests and other procedures as I considered necessary in the circumstances.

In my opinion, these financial statements present fairly the financial position of the Commission as at March 31, 1990 and the results of its operations and the changes in its financial position for the year then ended in accordance with the accounting principles disclosed in Note 1 to the financial statements applied, after giving retroactive effect to the change in accounting policy described in Note 1 to the financial statements, on a basis consistent with that of the preceding year.

Regina, Saskatchewan
September 25, 1990


G. F. Wendel, C.A.
A/Provincial Auditor

THE LAW REFORM COMMISSION OF SASKATCHEWAN

BALANCE SHEET

AS AT MARCH 31

	<u>1990</u>	<u>1989</u>
ASSETS		
Current		
Cash	\$ 40,380	\$ 5,209
Inventory	<u>6,428</u>	<u>3,560</u>
Total current assets	<u>46,808</u>	<u>8,769</u>
Fixed (Note 1)		
Office equipment	7,300	1,444
Library (Note 4)	<u>1,247</u>	<u>1,001</u>
	<u>8,547</u>	<u>2,445</u>
	<u>\$ 55,355</u>	<u>\$ 11,214</u>
LIABILITIES AND EQUITY		
Current		
Accounts payable	<u>\$ 14,526</u>	<u>\$ ---</u>
Equity		
Equity in fixed assets (Note 1)	8,547	2,445
Accumulated operating surplus - Statement 2	<u>32,282</u>	<u>8,769</u>
Total equity	<u>40,829</u>	<u>11,214</u>
	<u>\$ 55,355</u>	<u>\$ 11,214</u>

(See accompanying notes to the financial statements)

THE LAW REFORM COMMISSION OF SASKATCHEWAN
 STATEMENT OF REVENUE, EXPENDITURE, AND OPERATING SURPLUS
 YEAR ENDED MARCH 31

	<u>1990</u>	<u>1989</u>
Revenue		
Consolidated Fund appropriation	\$110,000	\$ 90,000
Law Foundation grants		
- operating	90,000	90,000
- printing	17,609	2,391
- research	3,760	---
Sale of PPSA Handbooks	4,530	3,720
Sale of library books (Note 4)	6,145	---
Interest	3,579	123
Sundry	<u>445</u>	<u>66</u>
	<u>236,068</u>	<u>186,300</u>
Expenditure		
Salaries and employee benefits	149,718	147,699
Commissioners' honoraria	8,600	11,733
Printing	23,067	8,915
Rent (Note 3)	11,800	---
Consultant services	4,130	2,177
Travel	3,462	5,568
Equipment purchases	5,856	1,444
Equipment rental and repairs	77	1,399
Telephone	2,432	4,874
Office supplies	2,216	2,456
Library	246	1,000
Miscellaneous	<u>951</u>	<u>2,124</u>
	<u>212,555</u>	<u>189,389</u>
Excess (deficiency) of revenue over expenditure	23,513	(3,089)
Operating surplus, beginning of year	<u>8,769</u>	<u>11,858</u>
Operating surplus, end of year	<u>\$ 32,282</u>	<u>\$ 8,769</u>

(See accompanying notes to the financial statements)

THE LAW REFORM COMMISSION OF SASKATCHEWAN

NOTES TO FINANCIAL STATEMENTS

March 31, 1990

1. Significant Accounting Policies

- a) Effective April 1, 1989, the Commission changed its basis of accounting from the cash basis to the accrual basis. Previously revenue was recognized as cash was received and expenditures were recognized when cash was paid. Revenue is now recognized in the accounts as it is earned by the Commission; expenses are recognized as incurred by the Commission.

The change in accounting policy has been applied retroactively in these financial statements. The effect is to decrease 1990 excess of revenue over expenditure by \$11,658 and to decrease 1989 deficiency of revenue over expenditure by \$3,560.

- b) Inventory of publications is valued at the lower of cost and net realizable value.

- c) Fixed Assets and Equity in Fixed Assets

Expenditures for fixed assets appear in the statement of revenue, expenditure and operating surplus. To maintain accountability for fixed assets using fund accounting they are recorded in the balance sheet as assets with a corresponding entry to "Equity in Fixed Assets". Because fixed assets purchased are included in the statement of revenue, expenditure and operating surplus, no provision has been made for depreciation of fixed assets.

At the time of disposal or retirement, the costs of assets disposed or retired are removed from the fixed asset accounts. A corresponding amount is removed from "Equity in Fixed Assets".

2. Incorporation

The Law Reform Commission Act was amended effective November 6, 1987. At that date the Commission became a body corporate and continued the operations of The Law Reform Commission of Saskatchewan.

The purpose of the Commission is to keep under review all the law of the province with a view to its systematic development and reform and generally the simplification and modernization of the law.

3. Rent

The Commission's cost of office space was absorbed by the Department of Justice for the period April 1 to September 30, 1989. Office space charges for October 1, 1989 to March 31, 1990 were the responsibility of the Commission and are paid to the Saskatchewan Property Management Corporation, a related party. The Commission's office space charge for 1990 fiscal year amounts to \$11,800 (1989 - nil).

4. Library

The library consists of materials acquired by the Commission prior to becoming a body corporate in 1987, valued at a nominal value of \$1, and subsequent additions of \$1,246 at cost.

A nominal value of \$1 was used as the majority of the materials acquired prior to 1988 are no longer utilized by the Commission. Although the materials are offered for sale, their sale is uncertain and they are thus considered contingent assets.

Funds received from the sale of library materials are recorded as revenue of the Commission.

5. Related Party Transactions

Related parties to the Commission are Saskatchewan's Crown controlled departments, agencies and corporations. Transactions with these parties are recorded at normal market prices except as described herein.

6. Comparative Figures

Certain 1989 figures have been reclassified to conform to the presentation adopted in the current year.

PERSONNEL

The Commission

The Law Reform Commission Act provides that the Commission shall be composed of not less than three members appointed by the Lieutenant Governor in Council and that one of the members shall be designated as Chairman. Mr. Dale G. Linn, Q.C., of the firm of MacDermid Lamarsh in Saskatoon, is the Chairman and Madam Justice Marjorie A. Gerwing and Mr. Gordon J. Kuski, Q.C., both of Regina, are the other Commissioners.

Mr. Linn was appointed to the Commission as Chairman in October, 1987. Madam Justice Gerwing was appointed to the Commission in 1976 and Mr. Kuski in 1982.

Previous members of the Law Reform Commission were Professor Brian A. Grosman (Chairman, 1974-78), Professor Ronald C.C. Cuming, Q.C. (Chairman, 1978-82), Dr. D.A. Schmeiser, Q.C. (Chairman, 1982-87), Mr. Justice E.D. Bayda (Commissioner, 1974-76) (now Chief Justice for the Province of Saskatchewan) and Mr. George J.D. Taylor, Q.C. (Commissioner, 1974-82).

The Staff

Mr. Kenneth P.R. Hodges is the Director of Research having joined the Commission in October of 1976. The Legal Research Officer is Mr. Michael J. Finley. He joined the Commission in March of 1977.

The Commission also retains the services of a number of people as part-time consultants. The Commission is pleased to be able to rely on these outside consultants and is obliged to them for their ongoing efforts which have helped to maintain a healthy level of law reform activity within the province.

THE DEPARTMENT OF JUSTICE

The Commission has developed a much closer working relationship with the Department of Justice. Members of the staff meet with officials of the Department from time to time. It is expected that the staff will provide assistance to the Department in the area of certificates of incompetence, exemptions, foreclosure and other matters which may arise. In addition, the Director of Research works with officials of the Department on Uniform Law projects.

OTHER LAW REFORM AGENCIES

The Commission has, during the course of the year, continued to develop good liaison with other law reform agencies both in and outside Canada. This exchange of information is essential to the functioning of the Law Reform Commission of Saskatchewan. Such close liaison minimizes the replication of research and makes available to this Commission research papers, reports and proposals which can be adapted to the Saskatchewan legal environment without incurring the financial burden necessitated by initiating original legal research in each area undertaken. The Saskatchewan Commission has gained substantially from the research completed by other Commissions in areas of mutual interest.

In order to maintain important contacts in areas of interest to the Commission and its research commitments, the Chairman, the Director of Research and other members of the staff attended various meetings and conferences during the year. The Chairman attended the mid-winter meeting of the Saskatchewan Branch of the Canadian Bar Association, in February 1991 in Saskatoon, Saskatchewan, the annual Meetings of the Law Society of Saskatchewan and the Saskatchewan Branch of the Canadian Bar Association in June 1990 in Saskatoon, Saskatchewan. The Chairman and the Director of Research attended the annual meeting of the Law Reform Conference of Canada in St. John, New Brunswick in August, 1990. The Director of Research also attended the Uniform Law Conference of Canada in St. John.

PUBLICATIONS*

1. First Mini-Working Paper, Division of Matrimonial Property, Problems Within the Present Law, June 1974.
2. Second Mini-Working Paper, Division of Matrimonial Property, Possible Solutions to Problems Within the Present Law, September 1974.
3. Third Working Paper, Division of Matrimonial Property, Tentative Proposals for Reform of Matrimonial Property Law, October 1974.
- ** 4. First Annual Report 1974.
5. Background Paper, Reform of Personal Property Security Law in Saskatchewan, May 1975.
6. Background Paper, Family Maintenance Between Husband and Wife, November 1975.
7. Background Paper, Children's Maintenance, January 1976.
- ** 8. Second Annual Report 1975.
- ** 9. Tentative Proposals for a Saskatchewan Personal Property Security Act, February 1976.
10. Report to the Attorney General, Proposals for a Saskatchewan Matrimonial Homes Act, May 1976.
11. Report to the Attorney General, Conflict of Interest, March 1977.
- ** 12. Third Annual Report 1976.
13. Working Paper, Provincial Offences: Tentative Recommendations for Reform, April 1977.
- ** 14. Report to the Attorney General, Proposals for a Saskatchewan Personal Property Security Act, July 1977.
- ** 15. Fourth Annual Report 1977.
16. Tentative Proposals for a Consent of Minors to Health Care Act, November 1978.
17. Fifth Annual Report 1978.
- 17a. Annual Report 1978 (to the Legislature).
18. Tentative Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, March 1979.
19. Tentative Proposals for Reform of The Jury Act, May 1979.
20. Tentative Proposals for Custody Law Reform, Part I: Substantive Law, August 1979.
21. Proposals for Reform of the Law Affecting Liability Between Husband and Wife and Related Insurance Contracts, November 1979.

* All the Commission's publications are free of charge with the exception of:

No. 68, A Handbook on the Saskatchewan Personal Property Security Act, August, 1987, which is available at a cost of \$16.00 per copy, which includes the G.S.T.

No. 74, The Status of English Statute Law in Saskatchewan, February, 1990, which is available at a cost of \$21.50 per copy, which includes the G.S.T.

** Out of Print

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22. Proposals for Reform of The Jury Act, December 1979.
 23. Tentative Proposals Relating to the Civil Rights of Children, December 1979.
 24. Proposals for a Consent of Minors to Health Care Act, February 1980.
 25. Sixth Annual Report 1979.
 - 25a. Annual Report 1979 (to the Legislature).
 26. Tentative Proposals for Custody Law Reform, Part II: Procedures and Support Services, May 1980.
 27. Tentative Proposals for a Definition of Death Act, June 1980.
 28. Tentative Proposals for an Occupiers' Liability Act, June 1980.
 29. Tentative Proposals for a Consumer Credit Act, Part I: Background and Underlying Considerations, Part II: Statistics, August 1980.
 30. Proposals for an Occupiers' Liability Act, October 1980.
 31. Proposals for a Definition of Death Act, December 1980.
 32. Tentative Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1981.
 33. Tentative Proposals for Defences to Provincial Offences, February 1981.
 34. Yearly Review 1980.
 - 34a. Annual Report 1980 (to the Legislature).
 35. Tentative Proposals for a Consumer Credit Act, Part III: Secured Consumer Credit Transactions, Summary of Recommendations, May 1981.
 36. Tentative Proposals for an Equality of Status of Married Persons Act, May 1981.
 37. Tentative Proposals for Changes in Limitations Legislation, Part I: The Effect of Limitations on Title to Real Property, July 1981.
 38. Tentative Proposals for a Human Artificial Insemination Act, November 1981.
 39. Proposals on Custody, Parental Guardianship and the Civil Rights of Minors, December 1981.
 40. Tentative Proposals for a Compulsory Mental Health Care Act, November 1981.
 41. Tentative Proposals for an Enforcement of Maintenance Orders Act, March 1982.
 - **42. Yearly Review 1981.
 - 42a. Annual Report 1981 (to the Legislature).
 43. Proposals for an Equality of Status of Married Persons Act, May 1982.
 44. Proposals for a Guardianship Act, Part I: Personal Guardianship, January 1983.
 45. Yearly Review 1982.
 - 45a. Annual Report 1982 (to the Legislature).
 46. Proposals Relating to Guest Passenger Legislation, August 1983.
 47. Tentative Proposals for a Lieutenant Governor's Review Board in Saskatchewan, January 1984.
 48. Yearly Review 1983.
 - 48a. Annual Report 1983 (to the Legislature).

**** Out of Print**

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49. Tentative Proposals for Reform of The Matrimonial Property Act, September 1984.
 50. Proposals for a New Coroners Act, September, 1984.
 51. Proposals for Restoring Civil Remedies Lost Upon Forfeiture Under The Automobile Accident Insurance Act, October 1984.
 52. Proposals Relating to Ademption by Equitable Conversion, October 1984.
 53. Tentative Proposals Relating to Testamentary Custody and Guardianship of Children, October 1984.
 54. Proposals Relating to the Change of Name of Children of Divorced Parents, March 1985.
 55. Proposals Relating to Joint Obligations, June 1985.
 56. Yearly Review 1984.
 - 56a. Annual Report 1984 (to the Legislature).
 57. Proposals for a Compulsory Mental Health Care Act, March 1985.
 58. Proposals for a Survival of Actions Act, May 1985.
 59. Proposals Relating to Matrimonial Property Legislation, December 1985.
 60. Yearly Review 1985.
 - 60a. Annual Report 1985 (to the Legislature).
 61. Tentative Proposals for Changes in Limitations Legislation, Part II: The Limitation of Actions Act, May 1986.
 62. Proposals for Defences to Provincial Offences, December 1986.
 63. Yearly Review 1986.
 - 63a. Annual Report 1986 (to the Legislature).
 64. Proposals for a Human Artificial Insemination Act, March, 1987.
 65. Tentative Proposals for a Frustrated Contracts Act, April, 1987.
 66. Proposals Relating to the Rules Against Perpetuities and Accumulations, June 1987.
 67. Tentative Proposals for Compensation of Accused on Acquittal, July, 1987.
 68. A Handbook on the Saskatchewan Personal Property Security Act, August 1987.
 69. Annual Report and Review 1987
 70. Proposals for a Frustrated Contracts Act, November, 1988.
 71. Proposals for a Consumer Credit Act, February, 1989.
 72. Annual Report and Review 1988.
 73. Proposals for a New Limitation of Actions Act, April 1989.
 74. The Status of English Statute Law in Saskatchewan, February 1990.
 75. Annual Report 1989-90
 76. The Bulk Sales Act, June 1990.
 77. Tentative Proposals for a New Personal Property Security Act, December 1990.

INFORMAL REPORTS*

1. The Tax Enforcement Act - Section 33, July 1984
2. The Change of Name Act: Publication of Notice of Change of Name, July 1984
3. The Rights of Parents Under The Family Services Act, February 1985
4. Proposals Relating to The Labour Standards Act: Employers' Deductions from Wages, September 1985
5. Proposals Relating to Lis Pendens, November 1985
6. Proposals Relating to Removal of a Certificate of Action under The Builders' Lien Act, February 1986
7. The Queen's Bench Act - Section 20, August 1986
8. Proposals Relating to Section 63 of The Automobile Accident Insurance Act, January 1987
9. Proposals Relating to Section 11 of The Criminal Injuries Compensation Act, June 1987

* These are unpublished reports but
typewritten copies are available
upon request.